

Remarks and Arguments

Claims 12-43 and 55-86 were withdrawn from consideration as directed to a non-elected invention. Claims 1-11 and 44-54 have been presented for examination. Claims 1 and 44 have been amended.

Claims 1-11 and 44-54 have been rejected under 35 U.S.C. §103(a) as obvious over U.S. Patent No. 6,460,082 (Lumelsky) in view of U.S. Patent No. 6,157,927 (Schaefer.) The examiner comments that the Lumelsky patent discloses all of the claimed elements with the exception that it does not disclose the recited switch fabric. However, the examiner asserts that the Schaefer reference discloses an equivalent to a switch fabric. The examiner concludes that it would have been obvious to combine the teachings of Lumelsky and Schaefer because both references are in the same field of endeavor.

The present invention relates to a method and apparatus for providing services to users from a pool of resources. The users are connected to access interfaces which are, in turn, connected to the pool of resources by a switch fabric. The access interfaces communicate with each client with the client protocol in order to receive service requests and data from that client. The access interfaces then communicate with the resources in the resource pool and, based on the workload of each resource in the resource pool, select the subset of the resource pool to use for any given transaction and distribute the workload. Thus, the data received from a client is transferred to the selected subset of the resource pool based on the workload of the resources rather than on a resource address. The result of this operation is that data may be stored in a resource other than the resource from which that data was retrieved.

The Lumelsky reference discloses a distributed multimedia system in which clients receive multimedia information from a distributed pool of multimedia resources. The multimedia resources are managed by local media servers called meta-resources. The clients send requests to a central remote authority which then selects a set of meta-resources from which the multimedia content is downloaded. It is clear that Lumelsky discloses a system in which data is downloaded from multimedia servers to clients. No data is received from clients and transferred to the multimedia servers.

The Schaefer reference discloses a distributed processing system which operates with different transaction protocols. Two programs called a connection manager and a resource manager are used to translate between the two protocols. However, the operation of the Schaefer system indicates that it uses conventional database transaction processing in which information is retrieved from, and stored back into, the same database location. Specifically, the storage location is determined by the storage address and not by the workload of the storage resources.

The claims have been amended to particularly point out the differences between the present system and the cited references. For example, claim 1 now recites, in lines 4-9, "...an access interface module which receives service requests and data from the client and, in response to each service request and based on a workload instead of an address of each of the plurality of resources, dynamically selects a subset of the plurality of resources to which the data is transferred in order to provide the requested service and to distribute the workload across the plurality of resources ...". As discussed above, in the Lumelsky system, data is transferred from the resources to the client not from the client to the resources. Thus, Lumelsky does not teach or suggest the recited access module that receives data from a client and selects resources to which the data is transferred based on the workload of the resource. In the Schaefer system the resources to which data is transferred are selected by address not by workload as claimed. Thus, the combination of Lumelsky and Schaefer references proposed by the examiner cannot teach or suggest the structure recited in claim 1 because neither references teaches this structure. Therefore, claim 1 patentably distinguishes over the cited reference combination.

Claims 2-11 are dependent, either directly or indirectly, on amended claim 1 and incorporate the limitations thereof. Therefore, they also distinguish over the cited reference combination in the same manner as amended claim 1.

Method claim 44 contains limitations that parallel those in apparatus claim 1 and has been amended in a manner that parallels that of claim 1. Thus, amended claim 44 patentably distinguishes over the cited reference combination in the same manner as claim 1. Claims 45-54 are dependent, either directly or indirectly, on amended claim 44

and incorporate the limitations thereof. Therefore, they also distinguish over the cited reference combination in the same manner as amended claim 44.

In light of the forgoing amendments and remarks, this application is now believed in condition for allowance and a notice of allowance is earnestly solicited. If the examiner has any further questions regarding this amendment, he is invited to call applicants' attorney at the number listed below. The examiner is hereby authorized to charge any fees or direct any payment under 37 C.F.R. §§1.17, 1.16 to Deposit Account number 50-3969.

Respectfully submitted,

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